IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

MONDAY, THE 26TH FEBRUARY 2007 / 7TH PHALGUNA 1928

WP(C).No. 38127 of 2003(L)

PETITIONER:

K.M.KHALID, PRESIDENT,
PANAVALLAY SERVICE CO-OPERATIVE BANK LTD.NO.901,
POOCHAKKAL P.O., PANAVALLY.

BY ADV. SRI.K.RAMAKUMAR.

RESPONDENTS:
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1. **THE STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, DEPARTMENT OF CO-OPERATION, GOVT. OF KERALA, THIRUVANANTHAPURAM.**
2. **THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES, ALAPPUZHA.**
3. **SMT. C.S.SANTHAMMA, SREEVALSOM VEEDU, PANAVALLY P.O., ALAPPUZHA DISTRICT.**

BY GOVT. PLEADER SRI. BASANT BALAJI.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/02/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH, J.

W.P.(C) No.38127 of 2003

Dated 26th February, 2007.

J U D G M E N T

Petitioner is aggrieved by Exts.P6 and P8 orders in the matter of disciplinary proceedings initiated against the third respondent. There is no dispute that the disciplinary action against the third respondent, culminating originally in the termination, was subject matter of appeal leading to Ext.R3(a) resolution of the appeal committee. The resolution was to demote the third respondent and reinstate her in service. The Joint Registrar in the process, rescinded the resolution dated 21.12.1998 of the Sub Committee and directed reconsideration of the issue. The Government rejected the appeal. Since there is no appeal by the petitioner or there is no proceedings by the society against Ext.R3(a) resolution, since Ext.R3(a) resolution is by the appeal committee and since the third respondent only sought the implementation of Ext.R3(a), it is only just, reasonable and proper that Ext.R3(a) resolution of the appeal committee as such is given effect to. In other words, the third respondent should be reinstated in service after demoting her from the post of

Secretary. The direction as above shall be implemented within one month from the date of production of a copy of the judgment. Appropriate just orders on regularisation of the period the employee was kept out of service shall also be passed by the Society. The amount already paid to the petitioner shall be treated as costs.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J

O.P.No. of 2002

J U D G M E N T

Dated 26th February, 2007.